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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,493	07/27/2001	Daniel Cook Jarvis	10010790-1	9794

7590 05/19/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

MILIA, MARK R

ART UNIT PAPER NUMBER

2622

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,493

Applicant(s)

JARVIS ET AL

Examiner

Mark R. Milia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☒ Claim(s) 34 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/8/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 1/8/02 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because Non-Patent Literature cited as reference "1R" is not in English. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 5, reference character "560". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement

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drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The abstract of the disclosure is objected to because it does not provide sufficient detail and summary of the invention. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities: On page 10, line 1, "014" should read "514". Appropriate correction is required.

4. Claim 34 is objected to because of the following informalities: Two claims are numbered "34". Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19, 22-32, and 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6003065 to Yan et al. as cited on Information Disclosure Statement dated January 8, 2002.

Regarding claim 1, Yan discloses a manager loadable printer (see Figs. 1 and 2, column 9 lines 26-30, column 10 lines 37-44, and column 23 lines 13-46).

Regarding claim 6, Yan discloses a method of instructing a printer having a virtual machine, the method comprising: providing an agent, the agent having an associated applet (see column 23 lines 13-65), loading the applet on the virtual machine

(see column 23 lines 13-65), and executing the applet on the virtual machine (see column 23 lines 13-65).

Regarding claim 17, Yan discloses a printer comprising an applet (see column 19 lines 23-57, column 22 lines 22-33, and column 23 lines 13-65), a virtual machine capable of executing the applet (see Figs. 1 and 2, column 19 lines 23-57, column 22 lines 22-33, and column 23 lines 13-65), and an interface for communication between the printer and a remote agent (see Figs. 1 and 2 and column 10 lines 24-55).

Regarding claim 25, Yan discloses a method of instructing a printer having a virtual machine comprising: serving an applet to the printer (see column 22 lines 19-33), executing the applet on the virtual machine to produce a result (see Fig. 2, column 19 lines 33-57, and column 22 lines 19-33), communicating the result from the printer to an agent (see column 22 line 57-column 23 line 8), and communicating the result from the agent to a manager (see column 23 lines 13-65).

Regarding claim 32, Yan discloses a printer comprising an applet (see column 19 lines 23-57, column 22 lines 22-33, and column 23 lines 13-65), execution means for executing the applet (see Figs. 1 and 2, column 19 lines 23-57, column 22 lines 22-33, and column 23 lines 13-65), and an interface means for communicating between the printer and a remote agent (see Figs. 1 and 2 and column 10 lines 24-55).

Regarding claim 2, Yan discloses the system discussed in claim 1, and further discloses the printer loadable with an applet served by a manager (see column 9 lines 26-30, column 10 lines 37-44, column 19 lines 23-57, column 22 lines 22-33 and 46-51, and column 23 lines 13-65).

Regarding claim 3, Yan discloses the system discussed in claim 1, and further discloses the printer loadable with an applet served by a manager and further comprising a virtual machine capable of executing the applet (see column 7 lines 3-15, column 8 lines 46-49, column 9 lines 26-40, column 10 lines 37-44, column 19 lines 23-57, column 22 lines 22-33 and 46-51, and column 23 lines 13-65).

Regarding claim 4, Yan discloses the system discussed in claim 1, and further discloses an interface for communication with an agent (see Fig. 2, column 9 line 63-column 10 line 10, and column 10 lines 24-28).

Regarding claim 5, Yan discloses the system discussed in claim 1, and further discloses the printer loadable with an applet comprising printer instructions (see column 11 lines 10-14 and 31-40, column 22 lines 22-33, and column 23 lines 58-61).

Regarding claim 7, Yan discloses the system discussed in claim 6, and further discloses communicating the executing to the agent (see column 23 lines 13-65).

Regarding claim 8, Yan discloses the system discussed in claim 7, and further discloses communicating from the agent to a manager (see column 23 lines 35-37).

Regarding claim 9, Yan discloses the system discussed in claim 6, and further discloses wherein the applet includes print job accounting instructions (see column 23 lines 3-6 and 13-65).

Regarding claim 10, Yan discloses the system discussed in claim 6, and further discloses wherein the executing includes print job accounting (see column 22 line 60-column 23 line 1).

Regarding claim 11, Yan discloses the system discussed in claim 6, and further discloses wherein the loading includes serving an applet to a printer via a network (see Fig. 1 and column 23 lines 13-65).

Regarding claim 12, Yan discloses the system discussed in claim 11, and further discloses wherein the network includes the Internet (see column 23 line 66-column 24 line 4).

Regarding claim 13, Yan discloses the system discussed in claim 6, and further discloses wherein the providing includes loading the agent on a workstation (see Figs. 1 and 2).

Regarding claim 14, Yan discloses the system discussed in claim 6, and further discloses wherein the providing includes loading the agent on a server (see Figs. 1 and 2).

Regarding claim 15, Yan discloses the system discussed in claim 6, and further discloses wherein the agent executes on a virtual machine (see Figs. 1 and 2).

Regarding claim 16, Yan discloses the system discussed in claim 6, and further discloses wherein the applet includes an instruction selected from the group consisting of alerting, embedding, configuring, setting, and combinations thereof (see column 23 lines 47-65).

Regarding claim 18, Yan discloses the system discussed in claim 17, and further discloses wherein the interface comprises a protocol adaptor (see column 6 lines 52-56, column 6 line 63-column 7 line 3, and column 9 line 65-column 10 line 2).

Regarding claim 19, Yan discloses the system discussed in claim 17, and further discloses wherein the interface comprises a connector (see column 18 lines 40-57).

Regarding claim 22, Yan discloses the system discussed in claim 17, and further discloses wherein the interface comprises TCP/IP (see column 6 lines 52-56, column 6 line 63-column 7 line 3, column 9 line 65-column 10 line 2, and column 15 lines 62-67).

Regarding claim 23, Yan discloses the system discussed in claim 17, and further discloses wherein the agent communicates with a manager (see column 6 line 60-column 7 line 15 and column 8 lines 1-24).

Regarding claim 24 Yan discloses the system discussed in claim 17, and further discloses wherein the applet includes printer instructions (see column 11 lines 10-14 and 31-41, column 22 lines 22-33, and column 23 lines 58-61).

Regarding claim 26, Yan discloses the system discussed in claim 25, and further discloses wherein the serving includes loading the applet into memory on the printer (see Fig. 2 (216), column 8 lines 25-30, and column 9 lines 26-30).

Regarding claim 27, Yan discloses the system discussed in claim 25, and further discloses initiating the executing via a manager and the agent (see column 22 line 57-column 23 line 65).

Regarding claim 28, Yan discloses the system discussed in claim 25, and further discloses communicating arguments from a manager to the agent (see column 22 line 57-column 23 line 65).

Regarding claim 29, Yan discloses the system discussed in claim 25, and further discloses wherein the communicating from the printer to the agent includes

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communicating via a network (see Fig. 1, column 6 lines 52-56, and column 23 lines 13-46).

Regarding claim 30, Yan discloses the system discussed in claim 25, and further discloses wherein the serving includes serving an applet to a plurality of printers each having a virtual machine (see column 22 lines 46-51).

Regarding claim 31, Yan discloses the system discussed in claim 25, and further discloses a computer-readable medium containing a computer program that is storable in memory and executable by a processor to configure a printer and at least one computer (see column 6 line 51-column 7 line 48).

Regarding claim 34, Yan discloses the system discussed in claim 32, and further discloses wherein the interface means comprises TCP/IP (see column 6 lines 52-56, column 6 line 63-column 7 line 3, column 9 line 65-column 10 line 2, and column 15 lines 62-67).

Regarding claim 35, Yan discloses the system discussed in claim 32, and further discloses wherein the agent communicates with a manager (see column 6 line 60-column 7 line 15 and column 8 lines 1-24).

Regarding claim 36, Yan discloses the system discussed in claim 32, and further discloses wherein the applet includes printer instructions (see column 11 lines 10-14 and 31-41, column 22 lines 22-33, and column 23 lines 58-61).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yan as applied to claims 17 and 32 above, and further in view of U.S. Patent No. 6823504 to Sokolov.

Yan does not disclose expressly wherein the interface comprises a syntax and a syntax parser.

Sokolov discloses wherein the interface comprises a syntax and a syntax parser (see column 3 lines 23-43, column 3 line 58-column 4 line 7, and column 4 line 65-column 5 line 15).

Yan & Sokolov are combinable because they are from the same field of endeavor, interpreting and executing Java programs.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the syntax parser as described by Sokolov with the system of Yan.

The suggestion/motivation for doing so would have been to provide translation of the source code to allow execution of the instructions embedded within the source code (the use of syntax parsers are well known in the art to dissect source code so it can be

translated in object code which is used by a computing system to execute the instructions).

Therefore, it would have been obvious to combine Sokolov with Yan to obtain the invention as specified in claims 20 and 33.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yan as applied to claim 17 above, and further in view of U.S. Patent No 6763499 to Friedman et al.

Yan does not disclose expressly wherein the interface comprises XML and an XML parser.

Friedman discloses wherein the interface comprises XML and an XML parser.

Yan & Friedman are combinable because they are from the same field on endeavor, interpretation and execution of source code.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the XML parser as described by Friedman with the system of Yan.

The suggestion/motivation for doing so would have been to provide translation of the source code to allow execution of the instructions embedded within the source code (the use of syntax parsers are well known in the art to dissect source code so it can be translated in object code which is used by a computing system to execute the instructions).

Therefore, it would have been obvious to combine Friedman with Yan to obtain the invention as specified in claim 21.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show the state of the art refer to U.S. Patent numbers 6006281 (Edmunds), 6226657 (Andersen), 6363421 (Barker et al.), 6456388 (Inoue et al.), and 6628413 (Lee).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (571) 272-7402. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Mark R. Milia
Examiner
Art Unit 2622

MRM

JOSEPH R. POKRZYWA
PRIMARY EXAMINER
ART UNIT 2622

A handwritten signature in black ink, reading "Joseph R. Pokrzywa". The signature is written in a cursive style with a large, stylized "J" and "P".